

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EMIL FAULKNER,

Plaintiff,

v.

No. 24-cv-565 KG/KK

MICHELLE LUJAN-GRISHAM, *et al.*,

Defendants.

ORDER OF DISMISSAL

THIS MATTER is before the Court following Plaintiff's failure to cure deficiencies as directed. Plaintiff is incarcerated and proceeding *pro se*. He initiated the case by filing a Letter-Pleading indicating he wishes to bring civil rights claims under 42 U.S.C. § 1983. (Doc. 1). On June 5, 2024, the Clerk's Office sent Plaintiff a blank § 1983 complaint and application to proceed *in forma pauperis*. Plaintiff did not return the forms. By an Order to Cure Deficiencies ("Order") entered May 12, 2025, the Court directed Plaintiff to file a complaint on the § 1983 form, and to either prepay the \$405 civil filing fee or, alternatively, file a motion to proceed *in forma pauperis* within thirty days. (Doc. 2); *see also* 28 U.S.C. § 1915(a)(2) (providing that all prisoner-plaintiffs who do not prepay the filing fee must file an *in forma pauperis* motion and a certified copy of a six-month inmate account statement). The Order warns that the failure to timely comply may result in dismissal of this case without further notice.

The deadline to file a complaint on the § 1983 form and address the civil filing fee requirement expired June 11, 2025. Plaintiff did not comply, show cause for such failure, or otherwise respond to the Order, which was returned as undeliverable. *See* (Doc. 3). Plaintiff has

also not provided an updated address as required by D.N.M. Local Civil Rule 83.6. Accordingly, the Court will dismiss the opening Letter-Pleading (Doc. 1) pursuant to Fed. R. Civ. P. 41(b) for “failure to prosecute [and] comply with the ... court’s orders.” *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003); *see also Salazar v. Arapahoe Cty. Det. Facility*, 787 Fed. App’x 542, 543 (10th Cir. 2019) (affirming dismissal order where plaintiff failed to “address[] the inmate account statement or explain[] his failure to comply with the ordered deadline”).

IT IS THEREFORE ORDERED that Plaintiff’s opening Letter-Pleading (Doc. 1) is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(b). The Court will enter a separate judgment closing this civil case.

/s/
KENNETH J. GONZALES¹
CHIEF UNITED STATES DISTRICT JUDGE

¹ Please note that this document has been electronically filed. To verify its authenticity, please refer to the Digital File Stamp on the NEF (Notice of Electronic Filing) accompanying this document. Electronically filed documents can be found on the court’s PACER public access system.